



Spruell
4-12-96
#8/Election

PATENT
CASE NO. PD0340K

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Thomas J. Ambrosio et al.

Serial No. 08/446,804

Art Unit: 3307

Filed: June 1, 1995

Examiner: E. Raciti

For: INHALER FOR POWDERED MEDICATIONS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED
MAR 11 1996
GROUP 230

RESPONSE TO ELECTION REQUIREMENT

In response to the Office Action mailed December 20, 1995 (Paper No. 3) and the communication from the examiner mailed March 5, 1996 (Paper No. 6), the applicants hereby provisionally elect species according to the examiner's requirement. As this response is being made within a two-month period following the originally set 30-day term for response, ending January 19, 1996, a petition for an extension of time in the amount of two months is enclosed.

It should be noted that the present election is being filed concurrently with a petition to the Commissioner of Patents and Trademarks for obtaining withdrawal of the election requirement, as that requirement is not permissible under applicable treaty law. The applicants continue to maintain that the requirement for election should be withdrawn and their claims fully examined, and such action is respectfully solicited.

As requested, the applicants provisionally elect the following species, from the categories specified by the examiner:

A. Dose plate - the dose plate shown in Fig. 39, as used together with support plate 300 having the angled slot 312 (apparently erroneously identified as element "112" in the drawing). This embodiment appears to be the subject of claim 2.

B. Pawl drive - the pawl drive shown in Figs. 102-104. This embodiment appears to be the subject of claim 7.

C. Mouthpiece nozzle - the nozzle shown in Figs. 56-58. There does not appear to be a pending claim which is specifically directed to this embodiment.

D. Base - the base shown in Figs. 83-87. It should be noted that the reservoir body of Fig. 7 will be located above the metering plate in a fully assembled inhaler, while the base will be located below the metering plate. Claim 3 appears to pertain to the base.

E. Lower spring retainer - the retainer shown in Figs. 88-92. There does not appear to be a pending claim which is directed to this specific embodiment.

If any part of the requirement has been overlooked or improperly addressed by the applicants, the examiner is urged to contact the undersigned by telephone or facsimile so that resolution of the matter can be expedited.

Respectfully submitted,

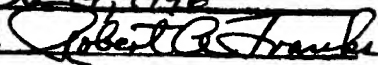


Robert A. Franks
Attorney for Applicants
Reg. No. 28,605

Patent Department K-6-1, 1990
Schering-Plough Corporation
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
Telephone (908) 298-2908
Facsimile (908) 298-5388

88493

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE U.S. POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: COMMISSIONER OF PATENTS AND
TRADEMARKS, WASHINGTON, D.C. 20231, ON

March 19, 1996
Mar. 19, 1996 
(DATE SIGNED) ROBERT A. FRANKS
REG. NO. 28,605